

REMARKS

The present response accompanies a Request for Continued Examination (RCE). Claims 1-24 are currently pending in the present application. Claims 1-24 have been amended, and claims 25 and 26 have been added. No claims have been canceled. Therefore, claims 1-26 will be pending in the application after entry of the foregoing claim amendments.

Claims 7-12 stand rejected under 35 U.S.C. § 101 as being directed towards non-statutory subject matter. In particular, the Office Action contends that “the claims are not statutory because they fail the practical application requirement of § 101 by failing to provide a useful, concrete, and tangible result” (Office Action dated October 15, 2007 (“Office Action”) at p. 4). Without conceding the merits of the rejection, Applicants have amended independent claim 7 in an effort to facilitate prosecution. As amended, claim 7 now recites, in part, a computer-readable storage medium that includes computer-executable instructions *for storing* an email and an associated attachment on the computer-readable storage medium. As claims 8-12 depend from claim 7, the dependent claims also include the foregoing claim limitation.

Accordingly, Applicants respectfully submit that claims 7-12 “provide a useful, concrete, and tangible result,” and respectfully request that the rejection of these claims under 35 U.S.C. § 101 be withdrawn.

Claims 1, 7, 13 and 19 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,584,564 (“Olkin”). Although Applicants believe that the claims patentably define over Olkin, Applicants have amended the claims to further clarify the claimed embodiments.

As amended, independent claims 1 and 13 recite, in part, generating rights data that sets forth each entity having rights with respect to an email and an attachment. The rights data also sets forth a description of the rights. The rights data *is attached to the email* and the attachment.

As noted in the present specification, “the rights may specify that one particular individual can read, print, and forward the email and copy the contents of same for an unlimited duration, but that a particular group of individuals may only read and reply to the email for the next seven days,” for example (*Specification* at p. 22, lines 25-28). Thus, “the

individuals or groups of individuals set forth in the rights data 50 may extend beyond the scope of the recipients of the email 44, based on the assumption that such recipients may forward the email to other recipients” (*id.* at p. 22, lines 28-31).

With regard to claim 2, the Office Action contends that U.S. Patent Application Publication No. 2002/0077985 (“Kobata”) discloses attaching rights data to an item, such as an email, to form a package containing the item in a rights-management-protected form (*see* Office Action at p. 6). While the cited portions of Kobata appear to disclose content having digital rights associated therewith, nowhere do the cited portions of Kobata disclose attaching rights data to an email carrying the content.

More specifically, Kobata’s FIG. 4 illustrates a package of digital content 320 that may be delivered to an end user (Kobata at ¶¶ [0095] - [0096]). The package may include digital rights 412 for controlling access to the digital content 320 (*id.* at ¶ [0096]). Although Kobata notes that the digital content 320 may be delivered via email to the end user, the cited portions of Kobata do not teach or suggest controlling access to the email at all, much less teach or suggest attaching the digital rights 412 to the email.

As acknowledged in the Office Action, Olkin does not supply the missing teachings of Kobata (*see* Office Action at p. 6 (“Olkin . . . fails to teach attaching rights data to the corresponding KD(item) to form a package”).

Accordingly, Applicants respectfully submit that claims 1 and 13 patentably define over Olkin and Kobata because neither reference, either alone or in combination, teaches or suggests attaching rights data to an email. Applicants respectfully request, therefore, that the rejection of claims 1 and 13 under 35 U.S.C. § 102(e) be withdrawn.

As amended, independent claims 7 and 19 recite, in part, a computer-readable storage medium having stored thereon an email and an associated attachment. Like claims 1 and 13, the email is rights-management-protected based on ***rights data attached to the email***.

Accordingly, Applicants respectfully submit that claims 7 and 19 patentably define over Olkin and Kobata for at least the same reasons discussed above. Applicants respectfully request, therefore, that the rejection of claims 7 and 19 under 35 U.S.C. § 102(e) be withdrawn.

Claims 2, 8, 14 and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Olkin in view of Kobata. Claims 3, 4, 6, 9, 10, 12, 15, 16, 18, 21, 22 and 24 stand

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rejected under 35 U.S.C. § 103(a) as being unpatentable over Olkin in view of Kobata and in further view of U.S. Patent No. 6,983,371 (“Hurtado”). Claims 5, 11, 17 and 23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Olkin in view of Kobata and in further view of U.S. Patent No. 6,571,337 (“Xiao”).

As claims 2-6 depend from claim 1, claims 8-12 depend from claim 7, claims 14-18 depend from claim 13, and claims 20-24 depend from claim 19, Applicants further submit that the dependent claims likewise patentably define over the cited references. Applicants respectfully request, therefore, that the rejections of the dependent claims be withdrawn.

As newly added dependent claims 25 and 26 depend from claims 1 and 13, respectively, Applicants respectfully submit that these claims also patentably define over the cited references.

The specification has been amended to properly identify each of the related applications by application number and to remove all references to attorney dockets numbers. No new matter has been introduced.

For at least the foregoing reasons, Applicants respectfully submit that the claims are allowable and that the present application is in condition for allowance. Reconsideration of the application and an early Notice of Allowance are respectfully requested. In the event that the Examiner cannot allow the present application for any reason, the Examiner is encouraged to contact the undersigned attorney, Bryan T. Giles at (215) 564-8954, to discuss the resolution of any remaining issues.

Respectfully submitted,

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